1 2

## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

IN THE MATTER OF THE REVOCABLE TRUST OF

CHARLES A. and MARJORIE M. MARTIN

Case No. 3:11-cv-89-RCJ-RAM

AMENDED ORDER

Currently before the Court are Petitioner Charles A. Martin's Emergency Ex Parte Motion for Temporary Restraining Order (#8) and Preliminary Injunction (#10). The Court heard oral argument on March 8, 2011. The Court denies as moot the Motion for Temporary Restraining Order (#8) and grants the Motion for Preliminary Injunction (#10) as modified by counsels' stipulations in court.

Based upon counsels' stipulations in court, IT IS ORDERED that NFP Securities, Inc., will transfer from the brokerage account number C9C128473, registered to Charles A. Martin & Marjorie M. Martin Rev. Trust, U/A 4/18/01, to the trust account of the O'Mara Law Firm, P.C., counsel for Mr. Martin, for the care and maintenance of Mr. Martin, the sum of \$33,000.00 on the first day of each month, effective retroactive to March 1, 2011, and NFP Securities, Inc., shall transfer a like amount to the O'Mara Law Firm Trust Account on the first day of each month until further court order. Mr. O'Mara is hereby authorized to contact NFP Securities, Inc. directly, based upon the confidentiality of The O'Mara Law Firm's Trust Account number, to make direct deposit arrangements from the Martin Trust brokerage account with NFP Securities, Inc. to The O'Mara Law Firm Trust Account.

## Case 3:11-cv-00089-RCJ-RAM Document 37 Filed 04/15/11 Page 2 of 2

IT IS FURTHER ORDERED that if, upon investigation, it is found that previous billings have not been paid and are late, but are appropriate bills, Mr. O'Mara and Mr. Richard Hill are to work together to determine the additional amounts that are necessary to bring the monthly bills current, and thereafter Mr. O'Mara shall request those additional funds from the above-referenced brokerage account.

IT IS FURTHER ORDERED that the Pilands are to provide to Mr. O'Mara copies of any and all bills for Mr. Martin or the Trust that they have received from December 2010 to the present. The O'Mara Law Firm will tender monthly accountings to the Pilands of all monies that are received and paid out.

IT IS FURTHER ORDERED that Judge Robert McQuaid's order expediting discovery and order related to a physical and mental examination of Mr. Martin is confirmed.

IT IS FURTHER ORDERED that this case is remanded to the Ninth Judicial District Court of the State of Nevada, in and for the County of Douglas, pursuant to *Marshall v. Marshall*, 547 U.S. 293, 298, 126 S.Ct. 1735, 1741, 164 L.Ed.2d 480 (2006) (recognizing that federal jurisdiction is limited by domestic relations and probate exceptions).

Dated: This 15th day of April, 2011.

United States District Judge